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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 5.9.2006.

Mohinder Singh .. Appellant.

vs

Chamkaur Singh ... Respondent.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.J.C.Malik,Advocate for
Mr.Mahesh Gupta,Advocate,for the appellant.

Kiran Anand Lall, J.

Panjab Kaur filed a recovery suit against Mohinder Singh appellant, claiming that he had borrowed a sum of Rs.50,000/- from her on 14.6.1997, against a pronote and a receipt, executed by him, in her favour and had also agreed to pay interest at the rate of 2% per month on the borrowed amount. On his failure to return the amount, Panjab Kaur asked him many a times to do the needful, but to no effect. She, thereupon, filed a suit against him, for the purpose.

The appellant (defendant) contested the suit. In the written statement filed by him, he denied the claim of Panjab Kaur, altogether, by stating that he never took any loan from her nor executed any pronote or receipt in that regard.

On the basis of evidence led by the parties in support of their respective averments, trial court held as it proved that the appellant had borrowed the said amount from Panjab Kaur against pronote Ex.P1 and receipt Ex.P2 which were scribed by PW1 Rattan Pal and attested by PW2

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Nahar Singh, and resultantly, decreed the suit for recovery of Rs.50,000/-, with interest at the rate of 12% per annum from the date it was borrowed till the date of recovery. Future interest at the rate of 6% per annum was also awarded. Since Panjab Kaur died during the pendency of suit, Chamkaur Singh- respondent herein- was brought on record, as her legal representative.

The first appellate court upheld all the findings of the trial court and consequently, affirmed its verdict. The appellant, therefore, filed this regular second appeal.

The questions as to whether the pronote and receipt were executed by the appellant and whether the amount of Rs.50,000/- was borrowed by him, from the respondent, are questions of fact (and not of law) which were duly answered in favour of the respondent, by both the courts, on the basis of evidence appearing on record, and the same can not be gone into by this court, in regular second appeal.

Since learned counsel could not point out any substantial question of law involved in this appeal, it shall stand dismissed.

5.9.2006. (Kiran Anand Lall)
vs. Judge